BEFCRE THE

CASE # 88-415-A

ZONING COMMISSIONER (22 Summerfield Court) 8th Election District OF BALTIMORE COUNTY

3rd Councilmanic District T.W.S., INC. PETITICNER

AMENDED ORDER

WHEREAS the Petitioner requested a zoning variance to permit a distance between buildings of 18 feet for lots 22 and 23 and 20 feet for lots 21 and 22, both in lieu of the required 25 feet; and,

in an Order dated May 20, 1988; and,

WHEREAS. THE Zoning Commissioner granted the variances requested

WHEREAS, THE Order contained inaccurate restrictions which do not clearly define the ingress and egress easements.

THEREFORE, IT IS CRDERED by the Zoning Commissioner of Baltimore County this ______day October, 1988, that this Amended Order shall replace the original Order of May 20, 1988 and the new Order and restrictions shall be in full effect and controlling.

The Petitioner herein requests a zoning variance to permit a distance between buildings of 18 feet for lots 22 and 23 and 20 feet for lots 21 and 22, both in lieu of the required 25 feet, as more particularly described on Petitioner's Exhibits 1 and 2.

The Petitioner appeared and was represented by Robert J. Ryan, Esquire. He was supported by the testimony of the landowner. There were no Protestants.

MEMORANDUM AND ORDER

distance between buildings of 18 ft. for lots 22 and 23 and 20 ft. for

lots 21 and 22, both in lieu of the required 25 ft., as more

Esquire. He was supported by the testimony of the landowner. There

all of which was uncontradicted, it is the opinion of the Zoning

Commissioner that the relief requested sufficiently complies with the

requirements of Section 307 of the Baltimore County Zoning Regulations

(B.C.Z.R.) and, therefore, the variance should be granted. There is no

evidence in the record that the subject variance would adversely affect

the health, safety, and/or general welfare of the public. Furthermore,

strict compliance with the B.C.Z.R. would result in practical

public hearing on this Petition held, in the opinion of the Zoning

Pursuant to the advertisement, posting of the property, and

difficulty and/or unreasonable hardship upon the Petitioners.

Commissioner, the requested variance should be granted.

particularly described on Petitioner's Exhibits 1 and 2.

The Petitioner herein requests a zoning variance to permit a

The Petitioner appeared, was represented by Robert J. Ryan,

Based upon the testimony and evidence presented at the hearing,

BEFORE THE

* CASE # 88-415-A

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

IN RE: PETITION FOR ZONING VARIANCE

Summers Fields Court

(3 Fieldstream Court)

8th Election District

3rd Councilmanic District

T.W.S., INC. PETITIONER

were no Protestants.

SE/S Fieldstream Court, 140'

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variance should be granted.

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County that a zoning variance to permit a distance between buildings of 18 feet for lots 22 and 23 and 20 feet for lots 21 and 22, both in lieu of the required 25 feet, in accordance with Petitioner's Exhibits 1 and 2, be and the same is hereby GRANTED, subject to the following restrictions:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

2. The Petitioner shall cause to be created restrictive covenants upon the deeds

of record recorded in the Land Records of Baltimore County for Lots 21, 22, 23, and 24 of "The Fields at Seminary" prohibiting all front, side and rear yard fences of any kind.

3. The Petitioner shall execute and record an appropriate document among the Land Records of Baltimore County establishing an ingress and egress easement over Lot 23 for the benefit of Lot 22. The easement shall te 5' wide and shall be adjacent to the south 50 deg 50' 00" east 110.60' line of division between the lots.

4. The Petitioner shall execute and record an appropriate document among the Land Records of Baltimore County establishing an ingress and egress easement over Lot 21 for the benefit of Lot 22. The easement shall be 5' wide and shall be adjacent to the south 75 deg 14' 53" west 111.79' line of division between the lots.

5. The Petitioner shall cause the deeds of Lots 21, 22, 23, and 24 to specifically reference zoning case No. 88-415-A.

> ZONING COMMISSIONER OF BALTIMORE COUNTY

> > May 19, 1988

Very truly yours,

/ J. Robert Haines

Zoning Commissioner

Dennis F. Rasmussen

cc: Peoples Counsel

Baltimere County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissioner



Robert J. Ryan, Esquire Moore, Carney, Ryan and Lattanzi 4111 E. Joppa Road Towson, Maryland 21204

> RE: Petitions for Zoning Variance- Amended Orders Case No. 88-415-A and 88-416-A

Dear Mr. Ryan:

Enclosed please find the Amended Orders regarding the above

Very truly yours,

JRH:mmn cc: Peoples Counsel

#247

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1801.2.C.1 to permit a distance between buildings of 18 feet for Lots 22 and 25 and 20 feet for Lots 21 and 22, both in lieu of the required 25 feet for buildings with a maximum height of 25 feet and 1B01.2.C.6 CMDP) to permit a window to street right-of-way distance of 22 feet in lieu of the required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Lot size with present zoning requirements precludes the installation of housing that would be compatible with the adjacent lots and the entire subdivision. Smaller housing units or housing units which would meet the setback requirements would be in direct conflict with the area market level and level of quality that has been established for this community.

Lot #22, #3 Fieldstream Ct. (The Fields at Seminary S.M. 55/137) Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

> I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): 13 NW128

914 7-5-8 B.F. 4111 E. Joppa Rd., Suite 301 (Type or Print Name) Baltimore, MD 21236 Signature Attorney for Petitioner: T.W.S., Inc. 8700 Old Harford Rd. 661-1962 (Type or Print Name) Baltimore, MD 21234 City and State Name, address and phone number of legal names xons YRY XPHER 3550 X or representative to be contacted

Samuel B. Shockley, Vice President Development Engrig. Consultants. Inc. Name 6603 York Road Attorney's Telephone No.: Baltimore, MD 21212 (301) 377-2600

ORDERED By The Zoning Commissioner of Baltimore County, this _____day 19_88, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

but Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore on the _____day of ______, 1988, at _____ o'clock

Zoning Commissioner of Bakimore County.

TIMATED LENGTH OF HEARING CIZER AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore _day of MAY, 1988 that a zoning variance to permit a distance between buildings of 18 ft. for lots 22 and 23, and 20 ft. for lots 21 and 22, both in lieu of the required 25 ft., in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

2. The Petitioner shall cause to be created restrictive covenants upon the deeds of record recorded in the Land Records of Baltimore County for Lots 21, 22, 23 and 24 of "The Fields at Seminary" prohibiting all front, side and rear yard fences of any kind.

3. The Petitioner shall cause to be created restrictive covenants upon the deeds of record recorded in the Land Records for Lots 21, 23 and 24 of "The Fields at Seminary" creating ingress and egress access easements for the benefit of Lot 22.

4. The Petitioner shall cause the deeds of Lots 21, 22, 23 and 24 to specifically reference zoning case #88-415-A.

> J. Robert Haines
> ZONING CONTROL ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: Peoples Counsel

Baltimore County Zoning Commissioner

494-3353

J. Robert Haines

Office of Planning & Zoning

Robert J. Ryan, Esquire

Baltimore, Maryland 21236

411 E. Joppa Road

Dear Mr. Ryan:

Moore, Carney, Ryan and Lattanzi

Granted, copies attached hereto.

not hesitate to contact this office.

RE: Petitions for Zoning Variance

T.W.S., Inc., Petitioners

Case Nos. 88-415-A and 88-416-A

Towson, Maryland 21204

CC: Peoples Counsel

Pursuant to the recent hearing held on the above captioned cases,

If you have any questions concerning the above matter, please do

please be advised that your Petitions for Zoning Variance have been

WED BY: CLA LITE 1/1/38

Development Barneering Consultants, Inc

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE

LOT #22 3 FIELDSTREAM COURT 8TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

Beginning for the same at a point on the Fasterly right-ofway of Fieldstream Court, said point being distant 140' + from the intersection of Fieldstream Court and Summer Fields Court thence leaving said point for the following courses and distances viz: 1) South 50 degrees 50 minutes East, 110.69 feet; 2) South 21 degrees 30 minutes East, 20.99 feet; 3) South 75 degrees 14 minutes 53 seconds West, 111.79 feet to a point on the Easterly right-of-way line of Fieldstream Court. Thence binding on said line 4) Northwesterly along a curve to the right, having a radius of 159.90 feet for a length of 121.72 feet to the point of beginning. Being also known as Lot 22 as recorded on a plat entitled "Amended Plat 1 of 2, The Fields at Seminary", in Liber 55, Folio 137.

Containing 0.176 acres of land more of less. 86-152 12-07-87

6603 York Road Baltimore, Maryland 21212 (301) 377-2600

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

88-415-A

Date of Posting March 29, 1988 Location of property: SES Fieldstream Court, 140 W Summer Fields Ct. (3 Fieldstream Court) Location of Signs: SE/S Fieldstream Court in front of Let # 22 Date of return: April 1, 1988 Number of Signs: ___/

> "DUPLICATE" CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of B timare County, by authority of the Zoning Act and Regulations of Balti-more County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Hearing Date: Monday April 18, 1988 at 11:00 a.m. both in lieu of the required 25 feet for buildings with a maximum height of 25 feet and IBO1.2.C.6 CMDP to per mit a window to street right-of-wa istance of 22 feet in lieu of the re In the event that this Petition i request for a stay of the issuance of, said permit during this period forgood cause shown. Such requestmust be in writing and received in this office by the date of the hearing set above or presented at the hear-

I. ROBERT HAINES

TOWSON, MD., MARCH 31, 19 88 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Yharch 31, 19 88

* 37.50

THE JEFFERSONIAN, Gusan Senders Obrect LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Mar. 31, 1988

THIS IS TO CERTIFY that the annexed Req.# M11852 P.O.# 98712 was published for one (1) successive weeks/days previous Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland. Randalistown News, a weekly newspaper published

in Baltimore County, Maryland. Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ___ day of _____, 1988.

Petitioner T.W.S., Inc. Received by:

James E. Dyer Chairman, Zoning Plans Advisory Committee

0 # J. Robert Haines Zoning Commissione The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenus in Towson, Maryland as follows:

Petition for Zoning Variance
Case number: 88-415-A Variance to permit a distance between buildings of 18 feet for Lots 22 and 23 and 20 feet for Lots 21 and 22, both in lieu of the required 25 feet for buildings with a maximum height of 25 feet and 1801.2.C.6 CMDP to permit a window to street right-of-way distance of 22 feet in lieu of the required 25 feet. In the event that this Petition is granted, a building permit may be issued with the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES

BALTIMORE COUNTY, MARYLAND OFFICE OF FINE E - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 01-615 AMOUNT \$ 35.00 FOR THUS FEE FOR VARIANCE ITEM 247 7.8 3 C37******3300:a 31280 VALIDATION OR SIGNATURE OF CASHIER

DATE	ACCOUNT	Cherry co
•	AMOUNT 1	90.58
RECEIVED TO THE PROMI		
FOR:		4/18/88 4

Baltimore County Zoning Commissioner Office of Planning & Zoning Tow.sa, Maryland 21204 494-3353 J. Robert Haines

Date: 4-12-88

T. W. S., Inc. 8700 Old Harford Road Baltimore, Maryland 21234

Re: Petition for Zoning Variance Case number: 88-415-A SE/S Fieldstream Court, 140' W Summer Fields Court (3 Fieldstream Court) 8th Election District - 3rd Councilmanic District Petitioner(s): T.W.S., Inc. HEARING SCHEDULED: MONDAY, APIRL 18, 1988 at 11:00 a.m.

Please be advised that \(\frac{90.58}{90.58} \) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additiona \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. ROBERT HAINES Zoning Commissioner of Baltimore County

JRH:gs cc: File

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

FEB. 29 1988

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

NOTICE OF HEARING

Petition for Zoning Variance Case number: 88-415-A SE/S Fieldstream Court, 140' W Summer Fields Court (3 Fieldstream Court) 8th Election District - 3rd Councilmanic District Petitioner(s): T.W.S., Inc. HEARING SCHEDULED: MONDAY, APIRL 18, 1988 at 11:00 a.m.

and 23 and 20 feet for Lots 21 and 22, both in lieu of the required 25 feet for buildings with a maximum height of 25 feet and 1B01.2.C.6 CMDP to permit a window to street right-of-way distance of 22 feet in lieu In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Variance to permit a distance between buildings of 18 feet for Lots 22

J. Robert Haires J. ROBERT HAINES Zoning Commissioner of

Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE April 18, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Mr. Thomas W. Sperl T.W.S., Inc. 8700 Old Harford Road Baltimore, Maryland 21234

> RE: Item No. 247 - Case No. 88-415-A Petitioner: T.W.S., Inc. Petition for Zoning Variance

Bureau of Department of State Roads Commission

Bureau of Fire Prevention The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments Health Department are not intended to indicate the appropriateness of the zoning Project Planning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may Building Department have a bearing on this case. The Director of Planning may file a Board of Education written report with the Zoning Commissioner with recommendations Zoning Administration as to the suitability of the requested zoning. Industrial

Dear Mr. Sperl:

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Zoning Plans Advisory Committee

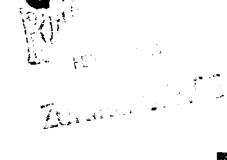
JED:cer

Enclosures

cc: Development Engineering Consultants, Inc. 6603 York Road

Baltimore, Maryland 21212

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554



February 12, 1988



County Office Building Towson, Maryland 21204

Dear Mr. Haines:

Mr. J. Robert Haines

Zoning Commissioner

The Bureau of Traffic Engineering has no comments for items number (247) 248, 250, 251, 252, 253, 254, 255 and 256.

Traffic Engineer Associate II



Re: Property Owner: T. W. S. , Inc.

Location: SE/S Fieldstream Court, 140' W. Summerfields Court

Item No.: 247 Zoning Agenda: Meeting of 1/26/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at
 - EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ($_{\rm x}$) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
 - () 7. The Fire Prevention Bureau has no comments at this time

Noted and , John & c'heill ecial Inspection Division

DRAFT AMENDMENT TO MEMORANDUM AND ORDER

CASE NO. 88-415-A

T. W. S., INC.

PETITION FOR ZONING VARIANCE

document among the Land Records of Baltimore County establishing

an ingress and egress easement over Lot 23 for the benefit of

Lot 22. The easement shall be 5' wide and shall be adjacent to

the south 50° 50' 00" east 110.60' line of division between the

document among the Land Records of Baltimore County establishing

an ingress and egress easement over Lot 21 for the benefit of

Lot 22. The easement shall be 5' wide and shall be adjacent to

the south 75° 14' 53" west 111.79' line of division between the

23, and 24 to specifically reference zoning case No. 88-415-A.

Proposed Changes to Paragraph 3:

Paragraph 4 (Addition):

Paragraph 5:

ON LOT 22, FIELDS OF SEMINARY

The petitioner shall execute and record an appropriate

The petitioner shall execute and record an appropriate

The Petitioner shall cause the deeds of Lots 21, 22,

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner

April 1, 1988

P. David Fields FROM Director of Planning and Zoning Zoning Petition Nos. 88-401-A, 88-415-A, 88-418-A, 88-430-A, SUBJECT 88-431-Spha, 88-435-A, 88-433-A

There are no comprehensive planning factors requiring comment on this petition.

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



ZONING OFFICE

E. SCOTT MOORE ROBERT E. CARNEY, JR ROBERT J. RYAN RICHARD E. LATTANZI FRANCIS JOHN GORMAN MOORE, CARNEY, RYAN & LATTANZI ATTORNEYS AT LAW 4III E JOPPA ROAD BALTIMORE, MARYLAND 21236

529.4600

June 13, 1988

Mr. J. Robert Haines Baltimore County Zoning Commissioner Towson, Maryland 21204

Re: Cases Nos. 88-415-A and 88-416-A

Dear Mr. Haines:

We have reviewed the Memoranda and Orders in Cases Nos. 88-415-A and 88-416-A.

We were in the process of drafting an Addendum to the Contract of Sale for the affected lots and preparing to draft the easements for ingress and egress when we came across questions concerning the scope of the Orders which prompted this letter to you to ask for modifications in each of the Orders.

Case No. 88-415-A deals with Lot 22. The question we have in reference to that Order is in regard to the easements for the ingress and egress to Lot 22. The Order indicates that that easement is to be on Lots 21, 23, and 24. The first question here is why is Lot 24 included in the easement? There will be no normal ingress or egress from Lot 22 over Lot 24, and we do not know what the intent of that easement is. Second, we would like to have some limitation on the scope of the required easement so that we do not create a title problem for Lots 21 and 23. In order to define those easements, we will ask Mr. Shockley to prepare a drawing of the proposed easements. When that is prepared, we will submit it to you and ask that it be approved as being consistent with the Order or incorporated in a modification of the Order. This will permit the title examiner to confirm the scope of the easement when the title is examined.

In regard to Case 88-416-A, it does not appear that it is necessary to impose fence restrictions on Lot 31 as is done in Paragraph 2 of the Order. Lot 31 is a large lot, and it is not unlikely that a future owner may wish to build a swimming pool on the lot. That would require, as you know, a protection fence.

JUN 15 1986

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines Zoning Commissioner

August 30, 1988

Baltimore, Maryland 21236 RE: Cases Nos. 88-415-A and 88-416-A

Petitions for Zoning Variance

Moore, Carney, Ryan and Lattanzi

Dear Mr. Ryan:

Robert J. Ryan, Esquire

4111 E. Joppa Road

In response to your correspondence of August 17, 1988 regarding the above captioned Petitions for Zoning Variance, I have reviewed the information attached to your correspondence and I am in agreement with the proposed modification of these amendments to the original Orders.

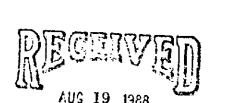
Please prepare your drafts "Amended Order" and accompanied attachments for my signature.

Zoning Commissioner

JRH:mmn

MOORE, CARNEY, RYAN & LATTANZI ATTORNEYS AT LAW ALLE JOPPA ROAD

BALTIMORE, MARYLAND 21236 August 17, 1988



(301) 529-4600

ZONING OFFICE

Mr. J. Robert Haines Zoning Commissioner of Baltimore County 111 West Chesapeake Avenue Baltimore, Maryland 21204

Re: Case 88-415-A

Dear Mr. Haines:

E. SCOTT MOORE

ROBERT E CARNEY, JR

JUDITH L HARCLERODE

RICHARD E. LATTANZI

RONALD A DECKER

DAVID M MEADOWS

As you know from my letter of June 13, 1988, we are requesting a reconsideration of the Order on behalf of T. W. S., Inc., petitioner, and Matson Homes, Inc., contract purchaser.

I am enclosing with this letter a revised copy of the plat which accompanied the petition. This revised copy shows a proposed 5 foot ingress and egress easement over Lots 21 and 23 for the benefit of Lot 22. Assuming that these easements will meet your concerns about access to the back yard of Lot 22, we would propose to have you amend your Order of May 20, 1988 by deleting Paragraph 3 and inserting a new Paragraph 3 and Paragraph 4 and renumbering the current Paragraph 4 to be No. 5. A draft of proposed changes is enclosed with this letter.

If you need to discuss these proposed changes with me, please have your secretary call me and we can either discuss them by telephone or I will come to your office to discuss the changes.

The reason for the changes, as outlined in my June 13 letter, is to provide us with the specifications for the ingress and egress variance so that we can make it clear in the Land Records and eliminate any possible title problems.

Very, truly yours,

Encls. (2) cc: Matson Homes, Inc., w/encls.

DEED OF EASEMENT

D RC/F 12.00 DEED ESMIT sh Cleisk E94545 COO2 ROZ TO9141 11/03/83

This Deed of Easement, made this 2 day of 1988 by MATSON HOMES, INC., party of the first part, and BALTIMORE COUNTY SAVINGS BANK, F.S.B., Mortgagee, party of the second part.

WHEREAS, the Declarant is the owner of various lots including Lot Nos. 21, 22, and 23 as shown on the plat "2nd Amended Plat One of The Fields at Seminary" which plat is recorded among the Plat Records of Baltimore County in Plat Book S.M. No. 57, folio 39 (previously recorded in Plat Book E.H.K.Jr. No. 55, folio 14), and Lot Nos. 29 and 30 as shown on the plat "Amended Plat Two of The Fields at Seminary" which plat is recorded among the Plat Records of Baltimore County in Plat Book S.M. No. 55.

WHEREAS, the Zoning Commissioner of Baltimore County issued Orders in Case Nos. 88-415-A and 88-416-A which require the Declarant to execute and record a document establishing ingress and egress easements over Lots 21 and 23 for the benefit of Lot 22, and establishing an ingress and egress easement over Lot 29 for the benefit of Lot 30.

NOW, THEREFORE, the party of the first part hereby: establishes an ingress and egress easement over Lot 23 for the benefit of Lot 22 which is 5' wide and is adjacent to the South 50 deg. 50' 00" East 110.60' line of division between the Lots; establishes an ingress and egress easement over Lot 21 for the benefit of Lot 22 which is 5' wide and is adjacent to the South 75 deg. 14' 53" West 111.79' line of uivision between the Lots; and establishes an ingress and egress over Lot 29 for the benefit of Lot 30 which is 5' wide and is adjacent to the North 35 deg. 40' 00" East 114.10' line of division between the Lots.

Except as herein granted, the party of the first part, its successors and assigns, and their heirs, successors, and assigns, shall continue to have full use and enjoyment of Lots 21, 23, and 29.

The party of the second part joins in this Deed of Easement solely for the purpose of consenting to and subordinating its lien of mortgage to the hereinbefore described easements and

for that purpose only, fully retaining its lien on the property described in its mortgage. RECEIVED FOR TEAMSFER

ACCAPAGA 104 104

State Department of Asset monte & Taxation for Englishing County

ara izele o jega i Balia. Lely MAD 001/2 St _ 0.0. 11-05 Care

we will submit them to you.

whatever.

RJR:cl

cc: Matson Homes, Inc.

In regard to the easement over Lot 29, we will ask Mr.

As soon as Mr. Shockley's drawings have been prepared,

Although there does not appear to be a procedure in the

Shockley to prepare a drawing for either your approval as part of

Zoning Rules and Regulations to permit a request for modification of an Order, we would ask that you treat this letter as a request

for modification of each of the Orders and hold the file open

until we can submit the easement drawings and discuss with you the

proposed modifications in the scope of the Orders. If there is

any problem in doing this, or you need a more formal pleading,

please let me know and I will prepare a motion or a petition or

Mr. Samuel Shockley, w/encls. (2 Orders)

the special exception or for incorporation into a revised Order.

APPLICATION FOR BUILDING PERMIT

The same with same with the wind with trade with the same with their land was adjust the trade with the same wind their land with the same wind the same win FFRMIT #: Bi87946 CONTROL #: NR DIST: 08 PREC: 08 LOCATION: 3 FIELDSTREAM CT SUBDIVISION: THE FIELDS AT SEMINARY TAX ASSESSMENT #: 2000009566 OWNERS INFORMATION NAME: YAFFE, WAYNE & LINDA ADDR: 9129 REISTERSTOWN RD STE 144 21117 APPLICANT INFORMATION PAMELA SITES - AGENT COMPANY: ADDR1: 9129 REISTERSTOWN RD ADDR2: OWINGS MILLS MD 21117 PHONE #: 410-356-8150 LICENSE #: NOTES CONST 2 FLOT 7 R PLAT 0 DATA 0 ELEC YES PLUM YES PLANS: TENANT: CONTR: OWNER ENGNR SELLR CONST SFD W/ ATTACHED GARAGE, FIREPLACE (OUTSIDE PROJ NOT TO EXCEED 4X10), OPEN WOOD DECK DN REAR. 50'X36'8"X34"=43678F. 4 BDRMS. PROPOSED USE: SFD EXISTING USE: VACANT LOT BLDG. CODE: BOCA CODE RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED ESTIMATED COST OF MATERIAL AND LABOR: 100,000.00 TYPE OF IMPRV: NEW BUILDING CONSTRUCTION USE: ONE FAMILY FOUNDATION: CONCRETE BASEMENT: FULL SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST CONSTRUCTION: WOOD FRAME FUEL: GAS CENTRAL AIR: YES SINGLE FAMILY UNITS TOTAL 1 FAMILY BEDROOMS 4 MULTI FAMILY UNITS EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM: NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE: TOTAL NO. OF AFARTMENTS: TOTAL NO. OF BEDROOMS: PAGE 1 OF 2 PERMIT #: B187946 DIMENSIONS - INSTALL FIXTURES BUILDING SIZE LOT SIZE AND SETBACKS SIZE: 0.177AC FRONT STREET: SIDE STREET: FLOOR: POWDER ROOMS: 1 WIDTH: 36'8" BATHROOMS: 2 DEFTH: FRONT SETB: 26'
SIDE SETB: 20'/6' 1
SIDE STR SETB: KITCHENS: 1 HEIGHT: 34' STORIES: 2+BASE LOT NOS: 22 CORNER LOT: N REAR SETB: 45' ZONING INFORMATION ASSESSMENTS BLOCK: SECTION: DISTRICT: 0085000.00 IMPROVEMENTS: 0000000.00 PETITION: LIBER: 005 FOLIO: 039 CLASS: 04 DATE: TOTAL ASS.: MAP: FLANNING INFORMATION MASTER PLAN AREA SUBSEWERSHED: CRITICAL AREA: DATE APPLIED: 02/03/94 INSPECTOR INITIALS: 08R PAID: \$215.00 FEE: \$215.00 RECEIPT #: A209953 PAID BY: APP (I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS) COMPANY OR OWNER OWNER ___ STENATURE OF APPLICANT PHONE SIGNATURE OF APPLICANT

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